IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Brown, *et al.*	Docket No.:	ROC920000121US1
Serial No.:	09/879,510	Group Art Unit:	2182
Filed:	06/12/01	Examiner:	Patel, Niketa I.

5   TITLE: APPARATUS AND METHOD FOR MANAGING CONFIGURATION
OF COMPUTER SYSTEMS ON A COMPUTER NETWORK

APPEAL BRIEF

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Commissioner for Patents
10   P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

This appeal is taken from the Examiner's final rejection, set forth in the Office

Action dated 12/14/05. A Notice of Appeal under 37 C.F.R. § 1.191 was mailed on

15   3/13/2006.

REAL PARTY IN INTEREST

International Business Machines Corporation is the Real Party in Interest.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences for this patent application.

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STATUS OF CLAIMS

Claims 1-25 were originally filed in this patent application. In response to a restriction requirement, appellant chose to proceed with claims 4-8. In the responses to the Examiner's rejections claim 4 was amended in an amendment dated 09/20/05 and claims 26-31 were added. Claims 4-8, and 26-31 are currently pending. In the pending office action claims 4-8 and 26-31 were rejected under 35 U.S.C. §103(a) as being unpatentable over East in view of Sekiguchi. No claims were allowed.

STATUS OF AMENDMENTS

In response to a first office action dated 5/27/05 an amendment was filed on 9/15/2005. After the final rejection dated 12/12/2005, a Notice of Appeal was timely filed on 3/10/2006, and this Appeal Brief is also being timely filed. Claims 1, 4, and 7 have been amended and claims 12-14 were added. Therefore, the claims at issue in this appeal are claims 4-8 and 26-31 as shown in the amendment filed on 9/20/2005.

SUMMARY OF CLAIMED SUBJECT MATTER

Claim 4 recites a networked computer system (Figure 2, 200) with a server computer system 220 that includes model configuration settings (224) that specify desired operating system configuration settings for a plurality of computer operating systems, and a plurality of endpoint computer systems (230A, 230B, 230C...230N) that have a plurality of operating systems (page 15, lines 9-10), where each endpoint computer system includes corresponding operating system configuration settings (Figure 3, 240). The system further includes a system administration workstation (210) having a graphical user interface (212) for administration of the configuration settings of the plurality of endpoint computer systems. The graphical user interface includes a display panel that allows a

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user to select the model configuration settings (page 8, line 1), that allows a user to select from the plurality of endpoint computer systems for comparison with the model configuration settings (Figure 5, 530 and 540; page 8, line 2), that displays differences between the selected endpoint computer systems and the model configuration settings

5   (page 8, lines 3-4), that allows a user to select from the selected endpoint computer systems for updating (page 8, line 4), and that automatically updates the configuration settings of the endpoint computer systems selected for updating according to the model configuration settings (Figure 5, 560; page 8, line 5).

Claim 26 recites a networked computer system (Figure 2, 200) with a server 220

10   that includes model configuration settings (224) that specify desired operating system configuration settings for a computer system, and a plurality of endpoint computer systems (230A, 230B, 230C...230N) that have a plurality of operating systems (page 15, lines 9-10), where each endpoint computer system includes corresponding operating system configuration settings (240). The system further includes a system administration

15   workstation (210) having a graphical user interface (212) for administration of the configuration settings of the plurality of endpoint computer systems. The graphical user interface includes a display panel that allows a user to select the model configuration settings (page 8, line 1), that allows a user to select from the plurality of endpoint computer systems for comparison with the model configuration settings (page 8, line 2),

20   that displays differences between the selected endpoint computer systems and the model configuration settings (page 8, lines 3-4).

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GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The following single ground of rejection is presented for review on this Appeal:

1.   **Whether claims 4-8 and 26-31 are unpatentable under 35 U.S.C. §103(a) over East in view of Sekiguchi.**

ARGUMENT

Issue 1:   **Whether claims 4-8 and 26-31 are unpatentable under 35 U.S.C. §103(a) over East in view of Sekiguchi.**

Appellant traverses the Examiner's characterization of the cited art and the
5   finding of obviousness. The cited art individually or in combination does not teach or
suggest the claimed invention. Appellant believes the claims as filed are in condition for
allowance and respectfully request the Examiner's rejection be reversed.

The East reference is concerned with managing the configuration of a network of
thin clients. A thin client is a software application running on a networked computer that
10   accesses data stored on a file server. Sekiguchi teaches a multi-operating-system with
separate memory areas for two independent operating systems.

Claims 26-28 and 30-31

The cited art does not teach or suggest a server computer system that includes
model configuration settings that specify desired operating system configuration settings
15   for a computer system as claimed herein. Neither of the cited patents teach having model
configuration setting on a server for an operating system. East teaches having a model
configuration on a server for copying to a plurality of thin clients. Sekiguchi teaches
having multiple operating systems loaded on the same computer. There is no teaching or
suggestion in the cited art that a thin client reads on an operating system in the claims.
20   Further, even if a thin client properly reads on an operating system, the cited art lacks
other claim elements in the claims as discussed below.

With regards to claim 26, and the limitation of "that allows a user to select from
the plurality of endpoint computer system for comparison with the model configuration

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settings," the Examiner cites paragraphs 52, 57-59 and 8-10 of East. The cited paragraphs of East teach configuring a thin client with a default configuration and then copying this configuration to other thin clients. However, there is no teaching anywhere in East for comparing model settings with the settings on a client. In East, a thin client is

5   selected as a default configuration, and the default configuration may then be copied to selected other thin clients. East thus performs a brute force approach, copying the default configuration to other thin clients without comparing the default configuration with the settings on the thin clients to be copied to. Because East does not teach or suggest allowing a user to select from the plurality of endpoint computer systems for comparison

10   with the model configuration settings, claim 26 is allowable over East.

      With regards to claim 26, for the limitation of "that display the difference between the selected endpoint computer system and the model configuration settings," the Examiner cites paragraphs 52, 57-59, 8-10 and 76 of East. These cited paragraphs of East have no teaching to display the differences between the selected endpoint computer

15   system and the model configuration settings. As discussed above, the brute force method taught in East allows a user to select one thin client as the default configuration, and then copy that configuration to other thin clients without comparing the two and without displaying the differences. Therefore, for any or all the reasons given above, East in combination with Sekiguchi does not teach or suggest the comparison of and display fo

20   differences as recited in claim 26, and Appellant respectfully requests the board to reverse the Examiner's rejection of claim 26 under U.S.C. §103(a).

      The examiner's motivation to combine East with Sekiguchi is in error. In the rejection the examiner states:

25   East does not teach operating system configuration settings and
            wherein the endpoint computer system includes a plurality of operating
            system, however Sekiguchi teaches these limitations [see Sekiguchi
            paragraphs 0026, 0088, 0125, 'first and second OS settings'] in order to

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allow various types of operating systems, some of which are excellent in batch processing, some excellent in time sharing system (TSS) and some excellent in graphical user interface (GUI) to be used on a single computer [see Sekiguchi paragraphs 0003-0004.]

5   Now we determine whether it would be obvious use the teaching of multiple operating systems on a fat client computer system taught in Sekiguchi on the thin client endpoint computer systems in East as suggested by the examiner. East teaches thin clients. East states at paragraph 0005:

10   A thin client is typically thought of as a computer without local storage and with a lower speed CPU (central processing unit), whereas a fat client includes local storage. A thin client typically includes a hardware platform (*e.g.*, local memory, local processor, keyboard, pointing device, and a display device), a local small footprint operating system (*e.g.*, windows CE™ from Microsoft Corporation), and one or more client programs that
15   when executed allow the thin client to connect to an application server configured to execute programs on behalf of the thin client. In contrast, a fat client is a computer with a full-featured hardware platform (*e.g.*, including peripherals such as CD-ROM), a large, full-featured operating system, and local applications which are executed on the fat client as
20   opposed to an application server.

A thin client as defined by East include no local storage and a local small footprint operating system. The computer system in Sekiguchi includes local storage shown at 115 in FIG. 1, and includes multiple full-featured operating systems, as shown in main memory 102. For this reason, the express teachings of Sekiguchi teach away from a
25   combination with East. Sekiguchi also teaches in paragraph 0007 that a magnetic disk is virtualized by dividing its memory area. A magnetic disk is a form of local storage. Because local storage is required in Sekiguchi, and because the thin clients of East have no local storage, the express teachings of East and Sekiguchi teach away from the combination suggested by the examiner.

30   The computer system 100 in FIG. 1 in Sekiguchi would be considered a "fat client" under the definitions quoted from East above. Because Sekiguchi teaches a fat

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client, it would not be obvious to implement the multiple operating systems on the fat client of Sekiguchi on the thin client shown in East. For this reason, the combination of East and Sekiguchi in the examiner's rejection would not have been obvious to one of ordinary skill in the art.

5   Even if, for the sake of argument, the teachings of East and Sekiguchi allowed combining their teachings, there is no motivation to combine East with Sekiguchi in the manner stated by the examiner. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. In re Mills, 916 F.2d 680, 16 USPQ2d 1430

10   (Fed. Cir. 1990) The Examiner's apparent motivation to combine is a general advantage of Sekiguchi. A general advantage does not supply a motivation to combine two significantly different pieces of art where there is no specific suggestion of the desirability of the combination in the manner claimed.

       The courts have consistently held that a person of ordinary skill in the art must not

15   only have had some motivation to combine the prior art teachings, but some motivation to combine the prior art teachings in the particular manner claimed. See, e.g., In re Kotzab, 217 F.3d 1365, 1371 (Fed. Cir. 2000) ("Particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed."). The motivation to combine

20   must have some relationship to the combination in the claimed invention, and not be just some general benefit. In the present case, the Examiner's stated motivation to combine would not motivate one of ordinary skill in the art to combine the art in the manner claimed, since the claimed invention does not just concern the general concept of "allowing various operating systems to be used on a single computer (Sekiguchi,

25   paragraph 4). In this case, the combination according to the stated motivation would be a system that allows an administrator to configure thin clients on computer systems that have multiple operating systems. It is clear from the above discussion that such a

combination is not in the manner of the claimed invention. There is no motivation to make the combination as stated by the Examiner, and the stated motivation is not a valid motivation to combine the references since it does not combine the prior art teachings in the particular manner claimed.

The cited art singularly or in combination lacks the features as claimed by Appellant and described above. Appellant respectfully asserts the Examiner's stated basis for rejection is without support in East and Sekiguchi. The Examiner has failed to establish a prima facie case of obviousness under 35 U.S.C. §103(a) for claim 26. Appellant respectfully requests the board to reverse the Examiner's rejection of claim 26 under U.S.C. §103(a).

Claims 27-28 and 30-31 depend on claims 26, which is allowable for the reasons given above. As a result, claims 27-28 and 30-31 are allowable as depending on an allowable independent claim. Appellant respectfully requests the board to reverse the Examiner's rejection of claims 27-28 and 30-31 under 35 U.S.C. §103(a).

Claims 4-5 and 7-8

Independent claim 4 has similar limitations as described above with reference to claim 26, which is allowable for the reasons given above. The Examiner's rejection for these claims suffers from the same deficiencies as described above with respect to claim 26 and incorporated here. Further, claim 4 includes an addition limitation. The Examiner failed to give a rejection for the limitation of "operating system configuration settings for a plurality of computer operating systems." Therefore, the Examiner has failed to make a prima facie case of obviousness under 35 U.S.C. §103(a). The Examiner did give a basis for the corresponding element in the originally filed claims. There, the Examiner cited paragraph 47 and Figure 4, elements 210A, 210B of East. There is no such teaching in the cited paragraphs. The cited paragraph describes a network of different thin client

computer devices. However, East does not teach or suggest thin clients that have different operating systems. In East, there is one default configuration that is applied to the multiple thin clients. This implies a single, homogenous operating system among all of the thin clients in East. In claim 4, there are configuration setting for a plurality of

5   different operating systems. Ease does not teach or suggest configuration settings for a plurality of different operating systems. For this reason, claim 4 is allowable over the combination of East and Sekiguchi, and appellant respectfully requests that the Examiner's rejection of claim 4 under 35 U.S.C. §103(a) be reversed.

        Claims 5 and 7-8 depend on claim 4, which is allowable for the reasons given

10   above. As a result, claims 5 and 7-8 are allowable as depending on an allowable independent claim. Appellant respectfully requests the board to reverse the Examiner's rejection of claims 5 and 7-8 under 35 U.S.C. §103(a).

Claims 6 and 29

        Each of claims 6 and 29 depend on claims 4 and 26 respectively, which are

15   allowable for the reasons given above. As a result, these claims are allowable as depending on an allowable independent claim. Further, these claims contain an additional claim limitation that is not taught or suggested by the cited art. For the claim limitation of "at least one configuration setting in a first computer platform to at least one corresponding configuration setting in a second computer platform" the Examiner cited

20   paragraphs 52, 57-59, and 8-10 of East. However, the cited paragraph does not teach or suggest mapping configuration settings between computer platforms. The Examiner has failed to establish a prima facie case of obviousness under 35 U.S.C. §103(a). Appellant respectfully requests the board to reverse the Examiner's rejection of claims 6 and 29 under 35 U.S.C. §103(a).

CONCLUSION

Claims 4-8 and 26-31 are addressed in this Appeal. For the numerous reasons articulated above, appellant maintains that the rejections of claims 4-8 and 26-31 under 35 U.S.C. § 103(a) is erroneous. Appellant respectfully submits that this Appeal Brief

5   fully responds to, and successfully contravenes, every ground of rejection and respectfully requests that the final rejection be reversed and that all claims in the subject patent application be found allowable.

Respectfully submitted,

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CLAIMS APPENDIX

1   4. A networked computer system comprising:

2   (A) a server computer system that includes model configuration settings that

3   specify desired operating system configuration settings for a plurality of computer

4   operating systems;

5   (B) a plurality of endpoint computer systems coupled to the server computer

6   system wherein the plurality of endpoint computer systems include a plurality of

7   operating systems, each endpoint computer system including corresponding operating

8   system configuration settings;

9   (C) a system administration workstation coupled to the server computer system,

10   the system administration workstation including a graphical user interface for

11   administration of the configuration settings of the plurality of endpoint computer systems,

12   the graphical user interface including at least one display panel that allows a user to select

13   the model configuration settings, that allows a user to select from the plurality of endpoint

14   computer systems for comparison with the model configuration settings, that displays

15   differences between the selected endpoint computer systems and the model configuration

16   settings, that allows a user to select from the selected endpoint computer systems for

17   updating, and that automatically updates the configuration settings of the endpoint

18   computer systems selected for updating according to the model configuration settings.

1   5. The networked computer system of claim 4 wherein the server computer system

2   further includes a configuration mapping mechanism that maps at least one configuration

3   setting for at least one computer system to the model configuration settings.

1   6. The networked computer system of claim 5 wherein the configuration mapping

2   mechanism maps at least one configuration setting in a first computer platform to at least

3   one corresponding configuration setting in a second computer platform.

1   7. The networked computer system of claim 4 wherein the at least one configuration

2   setting for each endpoint computer system comprises system settings and customization

3   settings.

1   8. The networked computer system of claim 4 further comprising a computer program

2   running on each computer system selected for updating, the computer program sending

3   status of any requested update of configuration settings to the graphical user interface.

1   26. A networked computer system comprising:

2   (A) a server computer system that includes model configuration settings that

3   specify desired operating system configuration settings for a computer system;

4   (B) a plurality of endpoint computer systems coupled to the server computer

5   system wherein the computer systems represent multiple operating systems, each

6   endpoint computer system including corresponding operating system configuration

7   settings;

8   (C) a system administration workstation coupled to the server computer system,

9   the system administration workstation including a graphical user interface for

10   administration of the operating system configuration settings of the plurality of endpoint

11   computer systems, the graphical user interface including at least one display panel that

12   allows a user to select the model configuration settings, that allows a user to select from

13   the plurality of endpoint computer systems for comparison with the model configuration

14   settings, that displays differences between the selected endpoint computer systems and

15   the model configuration settings.

1   27. The networked computer system of claim 26 wherein the server computer system

2   further allows a user to select from the selected endpoint computer systems for updating,

3   and that automatically updates the configuration settings of the endpoint computer

4   systems selected for updating according to the model configuration settings.

1   28. The networked computer system of claim 26 wherein the server computer system

2   further includes a configuration mapping mechanism that maps at least one configuration

3   setting for at least one computer system to the model configuration settings.

1   29. The networked computer system of claim 26 wherein the configuration mapping

2   mechanism maps at least one configuration setting in a first computer platform to at least

3   one corresponding configuration setting in a second computer platform.

1   30. The networked computer system of claim 26 wherein the at least one configuration

2   setting for each endpoint computer system comprises system settings and customization

3   settings.

1   31. The networked computer system of claim 26 further comprising a computer program

2   running on each computer system selected for updating, the computer program sending

3   status of any requested update of configuration settings to the graphical user interface.